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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,701	03/15/2001	William Hoath	01111	3578

24118 7590 04/07/2005
HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/809,701	Applicant(s) HOATH, WILLIAM	
	Examiner Dominic D Saltarelli	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Stautner et al. (6,172,677) [Stautner].

Regarding claim 1, Stautner discloses a broadcast receiving apparatus (fig. 2), said apparatus comprising the ability to receive data relating to a number of television channels, said receiving apparatus processing the data to generate video, audio, and text for display on the display means and listening via speakers connected to or forming part of the receiving apparatus, said video, audio, and text used in combination to generate television programs (the receiving apparatus is a general purpose computer which displays television broadcasts, col. 3, lines 40-60 and col. 4, lines 58-64), said receiving apparatus further including means for generating an electronic program guide for display on the display screen (fig. 2, col. 3, lines 40-50 and col. 4, lines 40-53) and means for generating a number of other applications (such as a chat program, on-line games, and a web browser, col. 4, lines 3-9 and col. 5, lines 15-36), said

electronic program guide providing information relating to a range of television channels (col. 4, lines 40-53), programs (program information and program content, col. 3, lines 40-52 and col. 4, lines 10-29 and col. 6, lines 8-24), and apparatus functions (the icons provide access to the other applications available, col. 5, lines 15-50) which are available for selection by a user of the apparatus using control means (col. 4, lines 54-57) wherein the electronic program guide is generated using a first source in the form of embedded code provided in the receiving apparatus (col. 3, lines 40-50) and other applications are generated using a second source in the form of software language provided in the receiving apparatus (such as a separate web browser application, col. 5, lines 30-36 and an on-line service software application, col. 6, lines 39-49), the utilization of the first and second source being controlled in response to a user selection using said control means (the user utilizes both the EPG and the various applications using the navigational device (col.4 , lines 54-57)).

Regarding claim 2, Stautner discloses the apparatus of claim 1, wherein on activation of the control means for said electronic program guide by the user allowing generation of said electronic program guide, the receiving apparatus uses said first source of embedded code (an inherent feature, as the first source of embedded code is the EPG application).

Regarding claim 3, Stautner discloses the apparatus of claim 1, wherein on activation of applications or functions other than the generation of an electronic program guide, said receiving apparatus uses said second source of software language (also inherent, as activation of individual applications is to read and execute said application software, which has been shown to be separate from the EPG software).

Regarding claim 4, Stautner discloses the apparatus of claim 1, wherein user selection of an internet web browser application via said control means results in said receiving apparatus generating a display using software language (col. 5, lines 15-36).

Regarding claim 5, Stautner discloses the apparatus of claim 1, wherein said receiving apparatus switches from using said first source to using said second source and vice versa when the user makes an appropriate selection using said control means (an inherent feature, as the EPG software and the applications have been disclosed as separate applications, and switching between the EPG and the various applications results in switching between which blocks of source code being read).

Regarding claim 6, Stautner discloses the apparatus of claim 1, wherein said control means by which the user is able to make a selection resulting in a

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change of source is a remote control handset (wireless remote control, col. 4, lines 54-57).

Regarding claim 7, Stautner discloses the apparatus of claim 1, wherein on activation of the control means for said electronic program guide by the user allowing changes to said electronic program guide (col. 4, lines 30-40), said receiving apparatus uses said first source of embedded code (an inherent feature, as the first source of embedded code is the EPG application).

Conclusion

3. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on _____
(Date)

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Signature: _____

Certificate of Transmission

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Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



CHRIS GRANT
PRIMARY EXAMINER